

## **REMARKS**

### **Amendments**

Claims 22 and 55 have been amended to recite that the electrode protecting layer has a volume resistivity of about  $10^7$  to about  $10^{10}$  ohm cm. The support for this amendment is found on page 13, at lines 11-12 and Claim 58. Consequently Claim 58 is cancelled.

Claim 22 is further amended to clarify that the method comprises forming the electrode protecting layer from a composition comprising an electrode protecting layer forming material and a conductive filler in the form of nanoparticles and having a volume resistivity of less than about  $10^4$  ohm cm. The support for this amendment is found in the original Claim 55.

The other amendments are for clarity and proper antecedent basis only.

No new matter is introduced.

### **35 USC 102(b) Rejection**

Claims 22, 23, 28, 55-58, 64, 69-71, 76 and 77 are rejected under 35 USC 102(b) as allegedly being anticipated by Ogata et al (US Patent No. 4,466,701). The rejection is traversed.

The Examiner appears to allege that the protective layer (10) of Ogata et al is the same as the electrode protecting layer of Claims 22 and 55, which Applicants respectfully disagree. Even assuming that the protective layer (10) of Ogata et al is structurally similar to the electrode protecting layer of the present invention, the reference does not anticipate the present claims for the following reasons:

**(a) The reference does not disclose a method for improving the performance of an electrophoretic display.** The reference does not identify a need for improving the performance of an electrophoretic display, let alone provide a solution for it.

**(b) The reference does not disclose an electrode protecting layer having a volume resistivity of about  $10^7$  to about  $10^{10}$  ohm cm,** which results in improving the performance of an electrophoretic display.

**(c) The reference does not disclose a conductive filler in the form of nanoparticles.** The term “nanoparticles”, in the context of the present invention, refers to particles having an average primary particle size which is smaller than the range of UV-visible scattering light (about 0.15 to about 0.3  $\mu\text{m}$ ) or a typical short range surface roughness (about 0.05 to about 0.1  $\mu\text{m}$ ) of a plastic film. More specifically, the average size of the primary conductive filler particles suitable for the present invention is in the range of about 5 to about 150 nanometer, preferably about 10 to about 50 nanometer and more preferably about 15 to about 20 nanometer (see Application at page 13, lines 8-14).

The protective layer of Ogata et al is formed from a composition comprising conductive particles and a binder. Ogata et al disclose that “the particle size of the electrically conductive particles must be smaller than the gap between the base plates of the electrooptical device and must usually be at most a few microns.” (Column 4, lines 35-38) “At most a few microns” is different from the nanoparticles as defined by the application.

**(d) The reference does not disclose a conductive filler in the form of nanoparticles and having a volume resistivity of less than about  $10^4$  ohm cm.**

Nowhere in Ogata et al mentions the term “volume resistivity”, let alone an electrode protecting layer formed from a composition comprising a conductive filler in the form of nanoparticles AND having a volume resistivity of less than about  $10^4$  ohm cm.

**(e) The reference does not disclose forming an electrode protecting layer having a volume resistivity of about  $10^7$  to about  $10^{10}$  ohm cm from a composition comprising a conductive filler in the form of nanoparticles and having a volume resistivity of less than about  $10^4$  ohm cm.**

The addition of the conductive material, in the form of nanoparticles, into an electrode protecting layer improves the contrast ratio at low operating voltages (see Application at page 12, lines 21-23). This was not taught or suggested by the reference.

Accordingly, the subject matters of Claims 22 and 55 are not anticipated by Ogata et al. This also applies to claims which are dependent from Claims 22 and 55, namely, Claims

23, 28, 56-58, 64, 69-71, 76 and 77.

**35 USC 103(a) Rejections**

Claims 24-27, 59-63 and 72-75 are rejected under 35 USC 103(b) as allegedly being unpatentable over Ogata et al (4,466,701).

As stated above, Ogata et al do not in any way suggest the features of Claims 22 and 55.

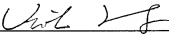
Therefore, Claims 22 and 55 are not obvious over Ogata et al. This also applies to claims which are dependent from Claims 22 and 55, namely, Claims 24-27, 59-63 and 72-75.

**CONCLUSION**

Applicants believe that the application is now in good and proper condition for allowance. Early notification of allowance is earnestly solicited.

Respectfully submitted,

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